

REMARKS

Claims 1-14 are pending. In the Office action dated June 18, 2004, claims 1-14 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,684,613. Claim 14 is objected to as depending from a non-existent claim. Claims 1-2, 4 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,115,889 to Mickelson. Claims 1-4, 6-7, and 9-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 557,800 to Gray. Claims 13-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 273,191 to Thomas.

First, applicant amends claim 14 to depend from claim 13.

Next, applicant submits herewith a terminal disclaimer to overcome the obviousness-type double patenting rejection of claims 1-4.

Turning next to the § 102 rejections, applicant respectfully traverses the rejection of claims 1, 2 and 4 as anticipated by Mickelson. Claim 1, and dependent claims 2 and 4, recite a method of securing an animal to a fixed object with a securing device, wherein a lead line is coupled to the animal, and wherein the securing device includes a frame and a retaining member coupled to the frame and is mounted to the object, the method including inserting a segment of the lead line through the frame, extending the segment of the lead line around the retaining member, and pulling the lead line to bring the lead line into contact with the retaining member to thereby frictionally interlace the lead line with the frame and the retaining member such that a panicked animal can pull a length of lead line through the securing device.

In contrast, Mickelson fails to disclose all of the elements of claims 1, 2 and 4. Mickelson discloses a horse tether device and method of use thereof that does not allow a panicked horse to pull line through the device. Referring to Fig. 3 of Mickelson, pulling on a rope secured to the Mickelson device causes “an upward rotational force on pawl 32, which will in turn produce a compressive force on the portion of rope 14 positioned between the toothed surface of pawl 32 and the web. Col. 2, ll. 42-46. This prevents a panicked animal from pulling a length of lead line through the securing device. In the Office action it is stated that “a panicked horse is considered to be capable of pulling a portion of the line through this engagement, since the force that a panicked horse might inflict on the device is extremely variable.” However, such a situation would occur only in the failure mode of the Mickelson tether device. To read Mickelson in such a way would therefore cause the Mickelson device to be unsuitable for its intended use. For at least these reasons, Mickelson does not anticipate claims 1, 2 and 4.

Next, applicant also respectfully traverses the assertion that Mickelson anticipates claim 6. However, applicant herein amends claim 6 to include the elements of claim 8, which is not rejected as anticipated by Michelson. Claim 6 now recites a method of securing an animal to a fixed object with a securing device, wherein a lead line is coupled to the animal, wherein the securing device includes a frame and a retaining member pivotally coupled to the frame such that the retaining member is pivotally movable between an open position and a closed position, and wherein the securing device is mounted to the object. The method includes inserting a segment of the lead line through the frame, extending the segment of the lead line around the retaining member, and

pulling the lead line to bring the lead line into contact with the retaining member and to move the retaining member into a closed position, wherein surfaces of the frame and retaining member that contact the lead line are substantially free of surface features that impede smooth sliding of the lead line across the surfaces.

In contrast, Mickelson discloses a horse tether device and method of use thereof that includes a toothed pawl (see part 32 in Figs. 2-3). As shown and described in Mickelson, a segment of rope may be positioned between a plate 24 and the toothed surface of the pawl 32 to hold the rope in place. Col. 2, ll. 40-41. The toothed pawl is not substantially free of surface features that impede smooth sliding of the lead line across the surfaces. For at least this reason, amended claim 6 is not anticipated by Mickelson.

Next, applicant also respectfully traverses the rejection of claims 1-4, 6-7, and 9-11 as anticipated by Gray. Claim 1, and dependent claims 3-4, recite a method of securing an animal to a fixed object with a securing device, wherein a lead line is coupled to the animal, and wherein the securing device includes a frame and a retaining member coupled to the frame and is mounted to the object, the method including inserting a segment of the lead line through the frame, extending the segment of the lead line around the retaining member, and pulling the lead line to bring the lead line into contact with the retaining member to thereby frictionally interlace the lead line with the frame and the retaining member such that a panicked animal can pull a length of lead line through the securing device.

In contrast, Gray discloses a line holder including a rotary cam (part C in Fig. 1) configured to clamp a line securely against a back plate (part A in Fig. 1). The rotary cam is roughened, as described at lines 56-57. The line-holder of Gray causes the rotary cam to increase pressure on a line when the line is pulled. Therefore, the line-holder of Gray would prevent a panicked animal from pulling a length of lead line through the securing device. For at least this reason, Gray does not anticipate claims 1-4.

Next, claim 6 has been amended to include the elements of claim 8, which was not rejected as anticipated by Gray. Amended claim 6 and dependent claims 7 and 9 recite a method of securing an animal to a fixed object with a securing device, wherein a lead line is coupled to the animal, wherein the securing device includes a frame and a retaining member pivotally coupled to the frame such that the retaining member is pivotally movable between an open position and a closed position, and wherein the securing device is mounted to the object. The method includes inserting a segment of the lead line through the frame, extending the segment of the lead line around the retaining member, and pulling the lead line to bring the lead line into contact with the retaining member and to move the retaining member into a closed position, surfaces of the frame and retaining member that contact the lead line are substantially free of surface features that impede smooth sliding of the lead line across the surfaces.

In contrast, as described above, the rotary cam of Gray has a roughened surface, as disclosed at ll. 56-57 of Gray. This roughened surface is presumably to increase the grip of the cam on a line, and therefore impedes smooth sliding of a line across the cam. For at least this reason, claims 6-7 and 9 are not anticipated by Gray.

Applicant respectfully traverses the rejection of claims 10-11 as anticipated by Gray. However, applicant herein amends claim 10 to recites a method of securing an animal to a fixed object with a securing device via a lead line, wherein the securing device is attached to the object and includes a frame coupled with the mounting structure, the frame including opposing sides defining a closed perimeter with an opening therethrough, and a retaining member disposed between the opposing sides of the frame, the method comprising interlacing the lead line through the frame and around the retaining member, and pulling the lead line to frictionally engage the lead line with the frame and the retaining member.

In contrast, Gray does not disclose a method of securing an animal to a fixed object having all of the elements of amended claim 10. Therefore, amended claim 10, and dependent claims 11-12, are not anticipated by Gray.

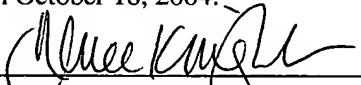
Applicant also respectfully traverse the rejection of claims 13-14 as anticipated by Thomas. Claim 13, and dependent claim 14, recite a securing device configured to be coupled to an object to facilitate the securing of an animal to the object with a lead line, the device comprising a frame, the frame having generally rigid, spaced-apart side portions, and a retaining member coupled with and extending from the frame between the side portions of the frame to allow the lead line to be interwoven between the side portions and the retaining member for frictional retention, wherein surfaces of the frame and retaining member that contact the lead line are substantially free of surface features that impede smooth sliding of the lead line across the surfaces.

In contrast, Thomas discloses a halter clasp configured to firmly clamp a halter, as described at lines 62-63. The halter clasp includes a transverse bar, shown at D in Fig. 1, over which the halter line extends. From Fig. 1, it can be seen that the transverse bar includes features such as corners that may impede smooth sliding of the lead line across the surfaces. For at least this reason, Thomas does not anticipate claims 13-14.

Accordingly, applicant respectfully requests allowance of all pending claims and issuance of a Notice of Allowance. If there are any questions regarding this matter, please telephone the undersigned.

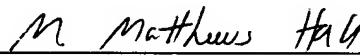
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on October 18, 2004.


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Respectfully submitted,

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